

O 210020Z JUN 09
FM SECSTATE WASHDC
TO ASSOCIATION OF SOUTHEAST ASIAN NATIONS COLLECTIVE IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
AMEMBASSY BEIJING IMMEDIATE
AMEMBASSY SEOUL IMMEDIATE
AMEMBASSY CANBERRA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 064133

E.O. 12958: DECL: 06/20/2029
TAGS: [PARM](#) [PREL](#) [MNUC](#) [MTCRE](#) [KN](#) [ASEAN](#) [COLLECTIVE](#)

SUBJECT: Urging ASEAN Implementation of UN SECURITY COUNCIL
RESOLUTION(UNSCR) 1874 and Transparency in North Korea
Transactions

SUMMARY

Classified by: Scot A. Marciel, Acting A/S for East Asian
Pacific Affairs. Reasons: 1.4(b) and (d)

¶1. (C) This is an action request. Please see paragraph 3.

¶2. (C) The United Nations Security Council unanimously adopted Resolution 1874 on June 12. This resolution unequivocally condemns North Korea's May 25 announced nuclear test, contains unprecedented new measures to address the threat posed by North Korea's nuclear and missile proliferation activities, and calls upon the DPRK to return immediately to the Six Party Talks without preconditions. The new measures in this Resolution include a total ban on arms transfers from the DPRK and a major expansion of the ban on arms transfers to the DPRK, new financial measures designed to limit the ability of the DPRK to fund WMD and ballistic-missile related activities, and enhanced inspection provisions for ships suspected of carrying cargo proscribed by this Resolution or by UNSCR 1718. Vessels bound to and from the DPRK regularly utilize Southeast Asian shipping lanes, making the implementation of UNSCR 1874 of particular relevance to ASEAN countries. As such, we seek to encourage ASEAN to do its part by making a statement that supports UNSCR 1874, as well as by helping the world carry out effective implementation of the Resolution. In implementing Resolution 1874, the United States seeks to avoid unnecessary confrontation with the DPRK, while assuring that the resolution is fully observed. In order to reduce the need for challenge inspections at sea, the United States would like ASEAN to take the lead in promulgating a "code of conduct" for its members, requiring all states that transact business with the DPRK to provide maximum transparency on all transactions and shipments from the DPRK, whether or not they contravene Resolution 1874. We would hope this action by ASEAN would provide the basis for a global gold standard in dealings with the DPRK and contribute significantly to our common goal of returning the DPRK to path of denuclearization. End Summary.

¶3. (C) Posts are instructed to approach host-nation officials at the highest appropriate level to pursue the objectives below aimed at seeking their cooperation in carrying out the inspection-related provisions of UNSCR 1874 and providing transparency in their interactions with North Korea.

(FOR EMBASSY BANGKOK)
As Thailand is the current Chair of ASEAN, the Department requests that the Ambassador deliver this demarche to the Foreign Minister. We are prepared to follow this with a high level call as needed.

OBJECTIVES

¶4. (C) Posts should pursue the following objectives:

-- Encourage states to be vigilant to the prospect of North Korean transfers of proscribed materials.

-- Impress upon states the threat posed by the DPRK's nuclear, ballistic missile, other WMD, and conventional weapons programs.

-- Note the DPRK has previously transferred items that are proscribed by UNSCRs 1874 and 1718 and is likely to attempt transfers in the future.

--Stress the need for states to be transparent with any dealings they might have with North Korea in order to build international confidence in implementation of UNSCR 1874.

-- Urge ASEAN to issue a statement demonstrating its resolve to maintain peace and stability in the Asia-Pacific region through support of UNSCR 1874 and transparency of transactions with North Korea.

-- Note that North Korean vessels may attempt to obtain bunkering services outside of port facilities in order to avoid inspection. For this reason, UNSCR 1874 imposes an obligation on member states to deny provision of such services where they have reasonable grounds to believe the North Korean vessels are transporting proscribed items (except where necessary for humanitarian purposes).

-- Seek cooperation from ASEAN states to pressure Burma to change its behavior towards North Korea by halting all arms purchases and ensuring the transparency of any North Korean shipments.

Posts may draw from the Summary and Objectives, as well as the Talking Points below, as appropriate.

BACKGROUND

15. (C) In particular, UNSCR 1874 calls upon UN Member States to:

-- Inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to and from the DPRK, in their territory, including seaports and airports, if the State concerned has reasonable grounds to believe the cargo contains items proscribed by Resolutions 1718 or 1874.

-- Inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer, or export of which is prohibited by Resolutions 1718 or 1874.

-- Cooperate with inspections pursuant to the Resolution.

The Resolution also requires that:

-- if the flag State does not consent to inspection of a vessel on the high seas, where the requesting State has reasonable grounds to believe the vessel is carrying prohibited cargo, the flag State shall direct the vessel to proceed to an appropriate and convenient port for inspection pursuant to the resolution.

-- all Member States prohibit the provision of bunkering services, by their nationals or from their territory, such as provision of fuel or supplies, or other servicing of vessels, to DPRK vessels if the Member State has information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by resolutions 1718 or 1874, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary.

¶6. (C) These provisions attempt to combat potential proliferation by the DPRK of arms and related materiel, as well as nuclear, ballistic missile, and other WMD-related items. Additionally, prohibiting the provision of any bunkering services to North Korean-owned, operated or flagged ships suspected of engaging in the proliferation of nuclear, ballistic missile, or other WMD-related items, as well as arms and related materiel, may serve to deter future shipments by the DPRK.

¶7. (C) Beyond implementation of the specific measures in UNSCR 1874, we ask ASEAN members to set an example for the international community. We are requesting that ASEAN assure transparency in member state dealings with North Korea, preferably through a protocol for inspecting all shipments received from North Korea, whether or not there is specific evidence that the cargo is in violation of Resolution 1874. This will help avoid potentially complicated challenge inspections at sea and maximize the prospect that North Korea will return to the path of denuclearization, without interfering with legitimate trade.. We are also asking ASEAN to pressure Burma to end its arms cooperation with North Korea.

TALKING POINTS

¶8. (C/REL ASEAN, PRC, JPN, ROK, AUS) The following may also be left as a non-paper.

BEGIN TALKING POINTS:

-- We would like to discuss the implementation of the new UN Security Council Resolution adopted in response to North Korea's May 25 nuclear test.

-- As you know, the Security Council adopted UNSCR 1874 unanimously on June 12. The resolution contains measures to prevent North Korea from transferring nuclear, ballistic missile, or other WMD-related items, as well as other arms or related materiel. However, these measures must be fully enforced by all Member States to ensure their effectiveness and prevent dangerous proliferation activities by the DPRK from continuing.

-- In particular, we would like to highlight the provisions of paragraph 11 of UNSCR 1874, which calls upon Member States to inspect all cargo to and from the DPRK in their territory, including seaports and airports based on any information providing reasonable grounds to believe this cargo would be prohibited by UNSCR 1718 or UNSCR 1874.

-- As your country is located along important maritime or air routes used by North Korea, we believe your government has an important role to play in demonstrating to the rest of the international community the seriousness with which we view implementation of UNSCRs 1718 and 1874.

-- We encourage you to conduct as thorough an inspection of such cargo as your national authorities and legislation will allow. We believe that North Korea's pattern of dangerous proliferation and its repeated willful violations of international law raise legitimate suspicions about North Korean cargo.

-- UNSCR 1874 also calls upon Member States to inspect vessels, with the consent of the flag State, on the high seas, if there are reasonable grounds to believe that such vessels' cargo contains items the supply, sale, transfer, or export of which is prohibited by UNSCRs 1718 or 1874.

-- Paragraph 13 of UNSCR 1874 calls upon all states to cooperate with inspections pursuant to the Resolution, and requires flag states that do not consent to inspection of a particular vessel on the high seas (where there are reasonable grounds to believe that the vessel is carrying proscribed cargo) to direct the vessels to proceed to an appropriate and

convenient port for inspection.

-- We realize that not all states have the capacity to conduct inspections of ships on the high seas. However, we encourage all states to be vigilant regarding potential shipments of proliferation concern by North Korea.

-- We also seek your cooperation if vessels of concern are diverted to your ports for inspection.

-- We are willing to discuss the provision of assistance should states require additional capacity to carry out inspections.

-- The resolution requires/requires Member States to prohibit the provision of bunkering services, such as provision of fuel or provisions, or other servicing of vessels, to DPRK vessels if there is information providing reasonable grounds to believe they are carrying proscribed items. The resolution contains an exception to permit provision of such services if it is necessary for humanitarian purposes, as well as after such time as the cargo has been inspected, and seized and disposed of if necessary.

-- We are concerned that, in the past, North Korean vessels suspected of carrying banned goods have used bunkering services outside of territorial waters to avoid inspection.

-- We are particularly concerned about the provision of bunkering services facilitating the ability of North Korean vessels to transport proliferation-related cargoes outside the Asia-Pacific region.

-- We believe that rigorous enforcement of UNSCR 1874's prohibitions on providing bunkering services could prevent North Korean efforts to evade inspection and detection of possible cargoes of proliferation concern.

-- We therefore strongly urge your government to fully implement the obligation to prohibit the provision of bunkering services set out in UNSCR 1874.

.
-- With the cooperation of our international partners, we also seek to increase the transparency of all states in dealings they might have with North Korea, especially in areas that are addressed in UNSCR 1718 and 1874. Only then can we build international confidence in the implementation of these resolutions.

-- Specifically, we urge ASEAN to confirm that cargos received from North Korea are not prohibited by these resolutions. Such a monitoring mechanism can consist, as necessary, of submission and review of shipping manifests and bills of lading, routine physical inspection of cargo at airports and seaports, and on-site end-use verification. States engaged in legitimate business with North Korea should welcome the opportunity to demonstrate that they are in compliance with the Resolution, and contribute to the effort to discourage efforts by the DPRK to conceal illicit trade.

-- We urge ASEAN to explicitly express support for the implementation of UNSCR 1874 and to adopt a pledge to ensure complete transparency on any dealings with North Korea.

-- (FOR ALL ASEAN MINUS EMBASSY RANGOON) -- We appreciate ASEAN's joint press statement with the ROK, adopted at the ASEAN/Korea Commemorative Summit on June 2, which condemned North Korea for its recent nuclear test and missile launches, and described such actions as clear violations of the Six-Party Agreements and relevant UNSC resolutions and decisions.

-- The June 2 statement also encouraged all concerned parties to actively pursue the denuclearization of the Korean Peninsula.

-- We also encourage you to press the Burmese government to adhere to its obligations under UNSCRs 1718 and 1874. We are aware of improving Burma-North Korea ties and of reports of

closer Burma-North Korea collaboration, to include arms cooperation. We believe the DPRK is using elaborate concealment techniques to cover illicit trade with Burma which makes it difficult to obtain direct evidence on the content of shipments between the DPRK and Burma. This is particularly urgent because we believe such shipments may already be underway. It is in ASEAN's interest to ensure that Burmese authorities understand and take seriously their obligations as a UN Member State and as a member of ASEAN.

-- (FOR EMBASSY BANGKOK): A statement from ASEAN expressing support for the implementation of UNSCR 1874 and the adoption of an ASEAN-wide pledge to assure transparency on any dealings with North Korea would demonstrate to the world community, as well as to North Korea, ASEAN's commitment to regional peace and security and the need for the DPRK to return to the path of denuclearization, consistent with previous ASEAN statements. As Thailand is the current chair of ASEAN, your government has a unique opportunity to lead this effort in the run-up to the ASEAN Regional Forum next month. We strongly urge Thailand to take the lead in coordinating ASEAN member states' implementation of the UNSC resolutions.

-- (FOR EMBASSY RANGOON): As a UN member state, Burma is required to adhere to these UNSC resolutions as well. We understand you have a growing relationship with North Korea.

-- We encourage Burma to take seriously the international community's collective condemnation of and actions against North Korea.

-- We also urge you to be transparent with the international community in all your dealings with North Korea to increase international confidence that your government is committed to compliance with the relevant UN Security Council resolutions.

-- Efforts to restore your ties with the international community will be enhanced by a forward leaning, unequivocal demonstration of compliance with Resolution 1874.

FOR BEIJING

-- As we have discussed previously with your government, implementation of UNSCR 1874 will be crucial to persuade North Korea to return to negotiations to achieve our mutual goal of the verifiable denuclearization of the Korean Peninsula.

-- Your government has expressed concerns about implementation of the interdiction and inspection provisions of UNSCR 1874.

-- We are committed to fully implementing all aspects of the resolution and consulting closely with your government as we do so. We would like to assure you that the United States does not want a confrontation with North Korea.

-- We are seeking greater cooperation from the international community, not only to work collectively to implement UNSCRs 1718 and 1874, but also to enhance transparency with regard to trade and financial transactions with North Korea.

-- We have particular concerns with Burma's lack of transparency. As you know, North Korea has frequently used Burma as a transit and delivery point for suspect cargoes.

-- We request that China strongly urge Burmese authorities to fully and effectively implement their obligations under UNSCRs 1718 and 1874.

-- It is important for Burma to understand that, in light of the recent DPRK nuclear test that resulted in the unanimous adoption of UNSCR 1874, it should not receive items prohibited by UNSCRs 1718 and 1874 from the DPRK. Burma should also not allow transshipment of prohibited items in its ports or territorial waters if coming from or going to the DPRK, or provide bunkering services to suspect DPRK vessels.

-- We have delivered a detailed message to ASEAN Member States,

including Burma, urging them to strictly enforce UNSCRs 1718 and 1874, and to adopt a pledge of complete transparency in any dealings with North Korea to build international confidence of implementation of these resolutions. We would also appreciate Beijing delivering a message to ASEAN Member States that their support for the strict enforcement of UNSCRs 1718 and 1874 as well as enhanced transparency are important and appreciated.

FOR TOKYO AND SEOUL

-- As we have discussed previously with your government, implementation of UNSCR 1874 will be crucial to persuade North Korea to return to negotiations to achieve our mutual goal of the verifiable denuclearization of the Korean Peninsula.

-- We are seeking greater cooperation from the international community, not only to work collectively to implement UNSCRs 1718 and 1874, but also to enhance their transparency with regard to dealings with North Korea.

-- We have particular concerns with Burma's current lack of transparency. As you know, North Korea has frequently used Burma as a transit and delivery point for suspect cargoes.

-- Given your government's diplomatic relations and financial investments with Burma, we request that you strongly urge the Burmese authorities to fully and effectively implement their obligations under UNSCRs 1718 and 1874, and to be fully transparent in doing so.

-- It is important for Burma to understand that, in light of the recent DPRK nuclear test that resulted in the unanimous adoption of UNSCR 1874, it should not receive items prohibited by UNSCRs 1718 and 1874 from the DPRK. Burma should also not allow transshipment of prohibited items in its ports or territorial waters if coming from or going to the DPRK, or provide bunkering services to suspect DPRK vessels.

-- We have delivered a detailed message to ASEAN Member States, including Burma, urging them to strictly enforce UNSCRs 1718 and 1874, and to pledge transparency in any dealings with North Korea, particularly with any cargo shipments, to build international confidence of implementation of these resolutions. We would also appreciate your government delivering a message to ASEAN Member States that their support for the strict enforcement of UNSCRs 1718 and 1874 as well as enhanced transparency are important and appreciated.

(FOR SEOUL ONLY) -- We appreciate ASEAN's joint press statement with the ROK, adopted at the ASEAN/Korea Commemorative Summit on June 2, which condemned North Korea for its recent nuclear test and missile launches, and described such actions as clear violations of the Six-Party Agreements and relevant UNSC resolutions and decisions.

-- The June 2 statement also encouraged all concerned parties to actively pursue the denuclearization of the Korean Peninsula.

FOR CANBERRA

-- As the Deputy Secretary discussed with Ambassador Richardson on Friday, the United States is in the process of delivering a detailed message to ASEAN Member States, including Burma, urging them to strictly enforce UNSCRs 1718 and 1874, and to adopt a pledge of complete transparency in any dealings with North Korea to build international confidence of implementation of these resolutions. We would appreciate your reinforcing this message to ASEAN Member States.

END POINTS

18. (U) REPORTING REQUIREMENT: Please report results of this demarche as soon as possible after receipt of this cable.

¶9. (U) POINT OF CONTACT: Washington POC for follow-up and further information is Mark Felipe, ISN/CPI, 202-647-5376, felipem2@state.sgov.gov, and Mary-Gardner Coppola, EAP/MTS, 202-647-2769, coppolamg@state.gov, and Richard Johnson, EAP/K, 202-647-7718.

¶10. (U) Department thanks Posts for their assistance. Please slug all responses for ISN, EAP, IO, USUN, and T.
CLINTON

NNNN

End Cable Text